

**FRUITPORT CHARTER TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES OF AUGUST 8, 2016**

A work session of the Fruitport Charter Township Board began at 6:30 p.m. on Monday, August 8, 2016, in the township board room.

Members Present: Brian Werschem, Supervisor; Carol Hulka, Clerk; Rose Dillon, Treasurer; Trustees Ron Becklin, Dave Markgraf, Marjorie Nash, and Chuck Whitlow. Members Absent: None

At 7:00 p.m., Supervisor Werschem opened the regular meeting with the Pledge of Allegiance followed with a prayer.

Also Present: 17 – residents, 0 – employees, Public Safety Director, Michelli, and DPW Director, Farrar

The meeting minutes of July 25, 2016, regular meeting, were approved as presented.

The meeting agenda of August 8, 2016, was approved as presented.

**CORRESPONDENCE / REPORTS**

- 1) Michigan Townships Association legislative updates
- 2) Part-time police officer, James Schultz, submitted a resignation/retirement letter

**PUBLIC COMMENTS**—none received

**UNFINISHED BUSINESS:**

**16-064 Adoption- Zone Change at 6072 S. Harvey Street and 6334 S. Harvey Street (GREENWAY CROSSING)**

Rose Dillon moved, Dave Markgraf supported, **MOTION CARRIED**, to amend the Township's zoning map by changing the zoning classification from R-4 (Rural Residential-Agricultural) to PUD (Planned Unit Development) for Parcel #61-15-127-100-0015-00 or 6072 S. Harvey Street, Muskegon, MI and Parcel #61-15-100-127-100-0016-00 or 6334 S. Harvey Street, Muskegon MI., as recommended by Planning Commission.

At a public hearing on July 19, 2016, the Planning Commission gave the following reasons supporting the zone change-

1. The requested rezoning will not result in spot zoning, because it will lead to a comprehensive development.
2. The requested rezoning will not be inconsistent with the surrounding property.
3. The property does not have to be rezoned in order to be reasonably used, but the property can be more fully and profitably used if rezoned.
4. The requested rezoning would have the following effect on surrounding property values: if anything, the rezoning is likely to have beneficial impacts on surrounding property by promoting a wider range of compatible land uses in the area.
5. The requested rezoning would have the following effect on the market value of the property in question: if anything, the rezoning is likely to increase the value of surrounding property.
6. The requested rezoning would be consistent with the general trend of future building and population growth in the area.
7. The requested rezoning would be consistent with the Master Plan
8. The requested rezoning is based upon the preliminary development plan for the planned unit development known as Greenway Crossing.
9. Attach the greenbelt agreement with Golf View West Association.
10. All presented paperwork to be attached for the record.

The zoning amendment Ordinance No 795 shall be effective eight days after publication in the Muskegon Chronicle. This constitutes the second and final reading.

Ayes: Dillon, Markgraf, Hulka, Whitlow, Nash, Becklin, Werschem Nays: None

**16-065 The Preliminary Development Plan for the Greenway Crossing Planned Unit Development Application**

Ron Becklin moved, Rose Dillon supported, **MOTION CARRIED**, to grant preliminary development plan approval for the Greenway Crossing planned unit development application.

The motion is based upon specific findings by the Township Board relative to the proposed planned unit development factors specified in Section 42-486 of the Zoning Chapter, per the Township Board's review of the June 2016 preliminary development plan.

- a. The proposed planned unit development is consistent with and promotes the intent of the Zoning Chapter. This finding is based upon the following facts: the mixed uses for the proposed planned unit development will be specifically described in future site plans submitted to the Township. The mixed uses will be consistent with the land uses in the area of the proposed planned unit development.

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- b. Upon site plan review, the uses in the proposed planned unit development will be arranged in a manner, and with the use of appropriate types of buffers, to result in no adverse impacts of one use upon another, and to create a logical relationship of one use to another.
- c. The proposed planned unit development will be compatible with surrounding uses of land, the natural environment, and the capacities of affected public services and facilities. This finding is based upon the future site plan review the township will do for the particular uses in the proposed planned unit development.
- d. The proposed planned unit development will be consistent with the public health, safety, and welfare of the Township. This finding is based upon the future site plan review the Township will do for the particular uses in the proposed planned unit development.
- e. The proposed planned unit development will have safe and efficient ingress and egress, with particular reference to pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency, per the future site plan review and township will do for the proposed planned unit development.
- f. The design and placement of buildings and other structures, parking, lighting, signs, refuse storage, landscaping, and other elements of the proposed planned unit development will be compatible with surrounding properties and properties within the proposed planned unit development. This finding is based upon future site plan review the Township will do for the proposed planned unit development.

Ayes: Becklin, Dillon, Hulka, Markgraf, Whitlow, Nash, Werschem      Nays: None

**16-066 Adoption- Zone Change for Parcel 61-15-113-400-0008-00 (partial) and Parcel 61-15-113-400-0008-10 (METAL ARC)**

Dave Markgraf moved, Carol Hulka supported, **MOTION CARRIED**, to amend the Township's zoning map by changing the zoning classification from R-4 (Residential-Agricultural) to B-3 (Service Business) for Parcel #61-15-113-400-0008-00 (partial) and Parcel #61-15-113-400-0008-10 or vacant land at Brooks Road and vacant land at Ellis Road, Muskegon, MI., contingent on the Contract Zoning Agreement taking effect.

At a public hearing on July 19, 2016, the Planning Commission gave the following reasons supporting the zone change-

- a. The requested rezoning will not result in spot zoning.
- b. The requested rezoning will be inconsistent with the surrounding property.
- c. The property does have to be rezoned in order to be reasonably used.
- d. The requested rezoning would have a beneficial effect on surrounding property values given the adjacent property is already subject to a Contract Zoning Agreement.
- e. The requested rezoning would have a beneficial effect on the market value of the property in question given the adjacent property is already subject to a Contract Agreement.
- f. The requested rezoning would be consistent with the general trend of future building and population growth in the area.
- g. The requested rezoning would be consistent with the Master Plan.

The zoning amendment Ordinance No. 796 shall be effective eight days after publication in the Muskegon Chronicle. This constitutes the second and final reading.

Ayes: Markgraf, Hulka, Whitlow, Dillon, Nash, Becklin, Werschem      Nays: None

**16-067 Metal Arc- Amendment to Contract Zoning Agreement**

The purpose of this Agreement is to amend the contract Zoning Agreement of October 29, 2013 in order to add additional properties. The Township has adopted a Zoning Map Amendment Ordinance rezoning all of Parcel 61-15-113-400-0008-10, part of Parcel 61-15-113-400-0008-00, and part of Parcel 61-15-113-400-0006-00 ( 50 x 50 ).

Dave Markgraf moved, Marjorie Nash supported, **MOTION CARRIED**, to adopt the Contract Zoning Agreement and authorize the Supervisor and Clerk to sign the necessary paper work. The motion is contingent upon the zoning map amendment ordinance be completed.

Ayes: Markgraf, Nash, Becklin, Dillon, Hulka, Whitlow, Werschem      Nays: None

**NEW BUSINESS:**

**16-068 Little River Band of Ottawa Indians- Proposed Zoning Change--First Reading**

On July 26, 2016, the Planning Commission made a recommendation to the Township Board regarding Parcel #61-15-126-100-0003-00 and #61-15-126-300-0001-00 to change the zoning from R-4 Rural Residential-Agricultural to R-1 Residential District or vacant land at S. Sheridan Road, Muskegon, MI. This constitutes the first reading. Final action will take place at the next regular scheduled board meeting on August 22, 2016.

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**16-069   Payment of Bills**

Dave Markgraf moved, Ron Becklin seconded, **MOTION CARRIED**, to approve bills for payment in the following amounts: General Fund & Parks \$15,753.69; Public Safety \$20,119.91; Water \$109,486.13; Sewer \$1,161.87    Totaling:   \$146,521.60

Ayes:    Markgraf, Becklin, Hulka, Dillon, Nash, Whitlow, Werschem    Nays: None

**REPORTS –**

**PUBLIC COMMENTS – PART II**

The motion by Dave Markgraf, supported by Ron Becklin, was **Carried Unanimously**, to adjourn the meeting at 7:14 p.m.

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CAROL HULKA, CLERK

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BRIAN WERSCHEM, SUPERVISOR